

Notice of Allowability

Application No.

10/608,662

Applicant(s)

EBY, CALEB

Examiner

Stephen Gordon

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-7-05 papers.
2. ☒ The allowed claim(s) is/are 1-5, 7-11, 14-23, 25-33 and 35-46.
3. ☒ The drawings filed on 30 June 2003 and 07 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Markva on 3-31-05.

The application has been amended as follows:

Page 2 – line 2, "4,200,300" has been replaced with --4,200,330--.

Claim 5 – line 6, "each respective said connecting member" has been replaced with --a respective one of said connecting members--; line 7, "each respective said lower" has been replaced with --a respective--.

Claim 9 – lines 3-4, "of said planar sidewall portion" has been deleted; line 6, "edge section of said planar sidewall portion" has been replaced with --peripheral edge section--.

Claim 10 – last line, "of said sidewall portion" has been deleted.

Claim 14 – line 22, --downwardly extending--has been inserted after "one".

Claim 19, "to said base means" in line 14 has been deleted; line 18, "to said base means" has been deleted.

Claim 22, "to said base means" in line 3 has been deleted.

Claim 23 – line 3, --downwardly extending--has been inserted after "one".

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Claim 33 – line 6, “each said connecting member” has been replaced with –a respective one of said connecting members--; line 7, “said lower” has been deleted.

Claim 37 – lines 3-4, “of said planar sidewall portion” has been deleted; lines 6-7, “of said planar sidewall portion” has been deleted.

Claim 38 - last line, “of said sidewall portion” has been deleted.

Claim 39 – line 3, –defining the first of the two pivot locations—has been inserted after “location”; line 5, --corresponding to the upper and lower end sections respectively— has been inserted after “sections”; line 7, --corresponding to the upper pivot axis—has been inserted immediately before the comma and –corresponding to the lower pivot location and—has been inserted before “that”.

Claim 40 – line 2, “at least one elongated” has been replaced with –said at least one--; line 3, “a cover pivot axis” has been replaced with –said cover pivot--; last line, “axis location for said elongated connecting member” has been replaced with – location--.


Claim 41 – line 3, “at least one elongated” has been replaced with –said at least one--; line 4, “having two ends and” has been deleted and –said—has been inserted after “connected at”; line 5, “elongated” has been deleted; line 6, “axis” has been deleted; line 8, “axis” has been deleted; line 11, “axis” and “for said downwardly extending elongated connecting member” have both been deleted.

Claim 42 – line 2, “axis” has been deleted.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg